
WELSH STATUTORY INSTRUMENTS

2012 No. 899

The Mobile Homes Act 1983 (Jurisdiction of Residential Property Tribunals) (Wales) Order 2012

Transitional and saving provisions

5.—(1) Subject as follows, the amendments made by this Order apply in relation to an agreement in respect of land forming part of a protected site in Wales to which the 1983 Act applies which was made before the coming into force of this Order as well as in relation to such an agreement made on or after the coming into force of this Order.

(2) No amendment made by this Order affects the validity of anything done by the court before the coming into force of the Order.

(3) The amendments made by this Order do not apply—

- (a) for the purposes of any proceedings begun, or applications made to the court, before the coming into force of this Order, or
- (b) in relation to any matter which is the subject of any proceedings begun, or applications made to the court, before the coming into force of this Order.

(4) Paragraph (5) applies if, before the coming into force of this Order—

- (a) an occupier of a protected site in Wales has served a request on an owner under paragraph 8(1A) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act (or that paragraph as applied by paragraph 9(2) of that Chapter) but no application relating to that request has been made to the court under paragraph 8(1E) of Chapter 2 (or that paragraph as applied by paragraph 9(2) of that Chapter),
- (b) an owner of a protected site in Wales has served a notice under paragraph 17(2) of Chapter 2 but no application relating to that notice has been made to the court under paragraph 17(4) of that Chapter, or
- (c) an owner of a protected site in Wales has served a notice under paragraph 17(6)(b) of Chapter 2 of that Schedule but no application relating to that notice has been made to the court under paragraph 17(8) of that Chapter.

(5) If the application to the court mentioned in paragraph (4)(a), (b) or (c) is made on or before the date which is one year after the commencement date, then the amendments made by this Order do not apply in relation to it.

(6) The amendments made by article 3(2) and (3), so far as they relate to provisions of the 1983 Act which were inserted by section 206(1) or (2) of the Housing Act 2004, do not apply in relation to pre-2005 agreements.

(7) But, in relation to pre-2005 agreements, sections 1 and 2 of the 1983 Act, as they apply to such agreements, have effect as if the references to the court were references to a tribunal.

(8) In its application to agreements to which the 1983 Act applies which were made before the coming into force of this Order, this Order has effect as if—

- (a) in section 4(3)(a), inserted by article 3(5) into the 1983 Act, the words “paragraph 4, 5 or 5A(2)(b) of Chapter 2, or” and “Chapter 4 of” are omitted, and

(b) in the opening words of article 3(7), the words “Chapter 2 of” were omitted.

(9) Any reference in this article to the making of an agreement to which the 1983 Act applies includes a reference to any variation of an agreement by virtue of which the agreement becomes one to which that Act applies.

(10) In this article—

“arbitration agreement” (“*cytundeb cymrodeddu*”) means an agreement in writing to submit to arbitration any question arising under the 1983 Act or any agreement to which it applies;

“the court” (“*y llys*”) and “owner” (“*perchennog*”) are to be construed in accordance with the 1983 Act as it had effect at the relevant time;

“pre-2005 agreements” (“*cytundebau cyn 2005*”) means agreements in respect of land forming part of a protected site in Wales to which the 1983 Act applies but to which the amendments made by section 206(1) and (2) of the Housing Act 2004 do not apply by virtue of section 206(4) of that Act;

“a tribunal” (“*tribiwnlys*”) means a residential property tribunal or, where the parties have entered into an arbitration agreement that applies to the question to be determined and that question arose before the agreement was made, the arbitrator.